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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,603	09/15/2003	K. Scott Ramey	11157SSUS04C (NORT10-0034	2370

33000 7590 03/18/2011

DOCKET CLERK
P.O. DRAWER 800889
DALLAS, TX 75380

EXAMINER	
ANYA, CHARLES E	

ART UNIT	PAPER NUMBER
2194	

NOTIFICATION DATE	DELIVERY MODE
03/18/2011	ELECTRONIC

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/662,603
Filing Date: September 15, 2003
Appellant(s): RAMEY ET AL

Robert D. McCutcheon (Reg. No. 38,717)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/30/10 appealing from the Office action mailed 05/03/10.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 35, 37-40, 42-45, 47-50 and 52-64

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

6,359,892 B1	Szlam	03-2002
6,430,175 B1	Echols et al.	08-2002
6,611,498 B1	Baker et al.	08-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 35, 37-40, 42-45, 47-50, 52-57 and 59-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,359,892 B1 issued to Szlam in view of U.S. Pat. No. 6,430,175 B1 issued to Echols et al.

As to claim 35, Szlam teaches a method performed by a wrapper for enabling a web application ("…Java station…" Col. 3 Ln. 60 – 65, "…computer 221 are preferably connected by a LAN… and preferably each include a multimedia processing application or software package, or simply a standard-based Internet/Intranet browser such as the Netscape Navigator or the Microsoft Explorer…" Col. 7 Ln. 59 – 67, "…the laptop device 10…web browsing…" Col. 16 Ln. 6 – 14) to communicate with a call server system (figure 1), comprising:

the call server system including a private branch exchange (PBX) and a call server for controlling telephony calls and telephony services (Main Office 13 Col. 49 – 59, Col. 27 Ln. 31 – 32); and

translating web application commands transferred from the web application to the call server system from a web application format into a call server system format (Controller 225 Col. 9 Ln. 46 – 60, "…translate…" Col. 12 Ln. 45 – 47), wherein the

translating web application commands further comprises translating a call control command ("…controller 225…telephony functions, such as conferencing, placing on hold, transferring, calling, answering…" Col. 9 Ln. 41 – 47).

Szlam is silent with reference to providing a communication channel between the web application and the call server system and the web application accessed from a web server.

Echols teaches providing a communication channel between the web application and the call server system ("…the operator work station is connected to the switch by a basic rate interface (BRI)...having two voice or data channels…and 1 control channel…" Col. 2 Ln. 48 – 65) and the web application accessed from a web server ("…The web server 21 communicates with the work station 11 using HTML...from web servers to web browsers..." Col. 2 Ln. 58 – 67, Col. 3 Ln. 1 – 23).

It would have been to one of ordinary skill in the art at the time the invention was made to modify the system of Szlam with the teaching of Echols because the teaching of Echols would improve the system of Szlam by providing a computer program that delivers (servers) content, such as web pages, using the Hypertext Transfer Protocol (HTTP), to clients (Echols Col. 3 Ln. 9 – 11).

As to claim 37, Szlam teaches the method of claim 36 wherein the translating a call control command further comprises translating a conference call control command ("…controller 225…telephony functions, such as conferencing, placing on hold, transferring, calling, answering…" Col. 9 Ln. 41 – 61).

As to claim 38, Szlam teaches the method of claim 35 wherein the translating web application commands further comprises translating a service control command ("…status information….desired format…" Col. 9 Ln. 51 – 55).

As to claim 39, Szlam teaches the method of claim 35 further comprising translating call server commands transferred from the call server system to the web application from the call server system format into the application format ("…status information….desired format…" Col. 9 Ln. 51 – 55).

As to claims 40, Szlam teaches an wrapper apparatus for enabling a web application ("…Java station…" Col. 3 Ln. 60 – 65, "…computer 221 are preferably connected by a LAN… and preferably each include a multimedia processing application or software package, or simply a standard-based Internet/Intranet browser such as the Netscape Navigator or the Microsoft Explorer…" Col. 7 Ln. 59 – 67, "…the laptop device 10…web browsing…" Col. 16 Ln. 6 – 14) to communicate with a call server system (figure 1) comprising:

the call server system including a private branch exchange (PBX) and a call server for controlling telephony calls and telephony services (Main Office 13 Col. 49 – 59, Col. 27 Ln. 31 – 32); and

means for translating web application commands transferred from the web application to the call server system from a web application format into a call server

system format (Controller 225 Col. 9 Ln. 46 – 60, "…translate…" Col. 12 Ln. 45 – 47), wherein the means for translating web application commands further comprises means for translating a call control command ("…controller 225…telephony functions, such as conferencing, placing on hold, transferring, calling, answering…" Col. 9 Ln. 41 – 47).

Szlam is silent with reference to means for providing a communication channel between the web application and the call server system and the web application accessed from a web server.

Echols teaches means for providing a communication channel between the web application and the call server system ("…the operator work station is connected to the switch by a basic rate interface (BRI)...having two voice or data channels…and 1 control channel…" Col. 2 Ln. 48 – 65) and the web application accessed from a web server ("…The web server 21 communicates with the work station 11 using HTML...from web servers to web browsers..." Col. 2 Ln. 58 – 67, Col. 3 Ln. 1 – 23).

It would have been to one of ordinary skill in the art at the time the invention was made to modify the system of Szlam with the teaching of Echols because the teaching of Echols would improve the system of Szlam by providing a computer program that delivers (servers) content, such as web pages, using the Hypertext Transfer Protocol (HTTP/stateless protocol), to clients (Echols Col. 3 Ln. 9 – 11).

As to claim 42, Szlam teaches the apparatus of claim 40 wherein the means for translating a call control command further comprises: means for translating a

conference call control command ("…controller 225…telephony functions, such as conferencing, placing on hold, transferring, calling, answering…" Col. 9 Ln. 41 – 61).

As to claim 43, Szlam teaches the apparatus of claim 40 wherein the means for translating web application commands data further comprises: means for translating a service control command ("…status information….desired format…" Col. 9 Ln. 51 – 55).

As to claim 44, Szlam teaches the apparatus of claim 40 further comprising: means for translating call server commands transferred from the call server system to the web application from the call server system format into the web application format ("…status information….desired format…" Col. 9 Ln. 51 – 55).

As to claim 45, Szlam teaches a computer program product comprising a computer usable medium having computer readable code embodied therein for enabling a web application ("…Java station…" Col. 3 Ln. 60 – 65, "…computer 221 are preferably connected by a LAN… and preferably each include a multimedia processing application or software package, or simply a standard-based Internet/Intranet browser such as the Netscape Navigator or the Microsoft Explorer…" Col. 7 Ln. 59 – 67, "…the laptop device 10…web browsing…" Col. 16 Ln. 6 – 14) to communicate with a call server system (figure 1), comprising:

the call server system including a private branch exchange (PBX) and a call server for controlling telephony calls and telephony services (Main Office 13 Col. 49 – 59, Col. 27 Ln. 31 – 32); and

computer readable code for causing a computer to translate web application commands transferred from the application to the call server system from a web application format into a call server system format (Controller 225 Col. 9 Ln. 46 – 60, "…translate…" Col. 12 Ln. 45 – 47), wherein the computer readable code for causing a computer to translate application commands further comprises computer readable code for causing a computer to translate a call control command ("…controller 225…telephony functions, such as conferencing, placing on hold, transferring, calling, answering…" Col. 9 Ln. 41 – 47).

Szlam is silent with reference to a computer readable code for causing a computer to provide a communication channel between the web application and the call server system and the web application accessed from a web server.

Echols teaches a computer readable code for causing a computer to provide a communication channel between the web application and the call server system ("…the operator work station is connected to the switch by a basic rate interface (BRI)...having two voice or data channels…and 1 control channel…" Col. 2 Ln. 48 – 65) and the web application accessed from a web server ("…The web server 21 communicates with the work station 11 using HTML...from web servers to web browsers..." Col. 2 Ln. 58 – 67, Col. 3 Ln. 1 – 23).

It would have been to one of ordinary skill in the art at the time the invention was made to modify the system of Szlam with the teaching of Echols because the teaching of Echols would improve the system of Szlam by providing a computer program that delivers (servers) content, such as web pages, using the Hypertext Transfer Protocol (HTTP/stateless protocol), to clients (Echols Col. 3 Ln. 9 – 11).

As to claim 47, Szlam teaches the computer program product of claim 45 wherein the computer readable code for causing a computer to translate a call control command further comprises: computer readable code for causing a computer to translate a conference call control command ("…controller 225…telephony functions, such as conferencing, placing on hold, transferring, calling, answering…" Col. 9 Ln. 41 – 61).

As to clam 48, Szlam teaches the computer program product of claim 45 wherein the computer readable code for causing a computer to translate web application commands further comprises: computer readable code for causing a computer to translate a service control command ("…status information….desired format…" Col. 9 Ln. 51 – 55).

As to claim 49, Szlam teaches the computer program product of claim 45 further comprising: computer readable media for causing a computer to translate call server commands transferred from the call server system to the web application from the call

server system format into the web application format ("…status information….desired format…" Col. 9 Ln. 51 – 55).

As to claim 50, Szlam teaches a wrapper apparatus for enabling a web application ("…Java station…" Col. 3 Ln. 60 – 65, "…computer 221 are preferably connected by a LAN… and preferably each include a multimedia processing application or software package, or simply a standard-based Internet/Intranet browser such as the Netscape Navigator or the Microsoft Explorer…" Col. 7 Ln. 59 – 67, "…the laptop device 10…web browsing…" Col. 16 Ln. 6 – 14) to communicate with a call server system, the wrapper apparatus_comprising:

the call server system including a private branch exchange (PBX) and a call server for controlling telephony calls and telephony services (Main Office 13 Col. 49 – 59, Col. 27 Ln. 31 – 32); and

a circuit for translating web application commands transferred from the application to the call server system from a web application format into a call server system format (Controller 225 Col. 9 Ln. 46 – 60, "…translate…" Col. 12 Ln. 45 – 47), wherein the circuit for translating application commands further comprises a circuit for translating a call control command ("…controller 225…telephony functions, such as conferencing, placing on hold, transferring, calling, answering…" Col. 9 Ln. 41 – 47).

Szlam is silent with reference to a digital computer containing a communications circuit for providing a communication channel between the web application and the call server system and the web application accessed from a web server.

Echols teaches a digital computer containing a communications circuit for a communication channel between the web application and the call server system ("…the operator work station is connected to the switch by a basic rate interface (BRI)...having two voice or data channels…and 1 control channel…" Col. 2 Ln. 48 – 65) and the web application accessed from a web server ("…The web server 21 communicates with the work station 11 using HTML...from web servers to web browsers..." Col. 2 Ln. 58 – 67, Col. 3 Ln. 1 – 23).

It would have been to one of ordinary skill in the art at the time the invention was made to modify the system of Szlam with the teaching of Echols because the teaching of Echols would improve the system of Szlam by providing a computer program that delivers (servers) content, such as web pages, using the Hypertext Transfer Protocol (HTTP/stateless protocol), to clients (Echols Col. 3 Ln. 9 – 11).

As to claim 52, Szlam teaches the apparatus of claim 50 wherein the circuit for translating a call control command further comprises: a circuit for translating a conference call control command ("…controller 225…telephony functions, such as conferencing, placing on hold, transferring, calling, answering…" Col. 9 Ln. 41 – 61).

As to clam 53, Szlam teaches the apparatus of claim 50 wherein the circuit for translating web application commands further comprises: a circuit for translating a service control command ("…status information….desired format…" Col. 9 Ln. 51 – 55).

As to claim 54, Szlam teaches the apparatus of claim 50 further comprising a circuit for translating call server commands transferred from the call server system to the web application from the call server system format into the web application format ("…status information….desired format…" Col. 9 Ln. 51 – 55).

As to claim 55, Szlam teaches a system for web-based control of call server functions (figure 1) comprising:

a call server system, the call server system comprising a private branch exchange (PBX) and a call server for controlling telephony calls and telephony services (Main Office 13 Col. 49 – 59, Col. 27 Ln. 31 – 32);

a web application ("…Java station…" Col. 3 Ln. 60 – 65, "…computer 221 are preferably connected by a LAN… and preferably each include a multimedia processing application or software package, or simply a standard-based Internet/Intranet browser such as the Netscape Navigator or the Microsoft Explorer…" Col. 7 Ln. 59 – 67, "…the laptop device 10…web browsing…" Col. 16 Ln. 6 – 14);

a user interface for directing the web application (Screen 300 Col. 11 Ln. 19 – 65); and

a wrapper for translating web application commands transferred from the web application to the call server system from a web application format into a call server system format ("…Controller 225… TAPI…TSAPI…" Col. 9 Ln. 46 – 60, "…translate…" Col. 12 Ln. 45 – 47), wherein the web application commands comprise a call control

command ("…controller 225…telephony functions, such as conferencing, placing on hold, transferring, calling, answering…" Col. 9 Ln. 41 – 47).

Szlam is silent with reference to providing a communication channel between the web application and the call server system and the web application accessed from a web server.

Echols teaches providing a communication channel between the web application and the call server system ("…the operator work station is connected to the switch by a basic rate interface (BRI)...having two voice or data channels…and 1 control channel…" Col. 2 Ln. 48 – 65) and the web application accessed from a web server ("…The web server 21 communicates with the work station 11 using HTML...from web servers to web browsers..." Col. 2 Ln. 58 – 67, Col. 3 Ln. 1 – 23).

It would have been to one of ordinary skill in the art at the time the invention was made to modify the system of Szlam with the teaching of Echols because the teaching of Echols would improve the system of Szlam by providing a computer program that delivers (servers) content, such as web pages, using the Hypertext Transfer Protocol (HTTP/stateless protocol), to clients (Echols Col. 3 Ln. 9 – 11).

As to claim 56, Echols teaches the system of claim 55 further comprising: a web server for providing the web application to the user interface ("…The web server 21 communicates with the work station 11 using HTML...from web servers to web browsers..." Col. 2 Ln. 58 – 67, Col. 3 Ln. 1 – 23).

It would have been to one of ordinary skill in the art at the time the invention was made to modify the system of Szlam with the teaching of Echols because the teaching of Echols would improve the system of Szlam by providing a computer program that delivers (servers) content, such as web pages, using the Hypertext Transfer Protocol (HTTP/stateless protocol), to clients (Echols Col. 3 Ln. 9 – 11).

As to claim 57, Echols teaches the system of claim 56 wherein the web application comprises: an interactive web page from the web server ("…The web server 21 communicates with the work station 11 using HTML...from web servers to web browsers..." Col. 2 Ln. 58 – 67, Col. 3 Ln. 1 – 23).

It would have been to one of ordinary skill in the art at the time the invention was made to modify the system of Szlam with the teaching of Echols because the teaching of Echols would improve the system of Szlam by providing a computer program that delivers (servers) content, such as web pages, using the Hypertext Transfer Protocol (HTTP/stateless protocol), to clients (Echols Col. 3 Ln. 9 – 11).

As to claim 59, Echols teaches the system of claim 55 wherein the user interface comprises: a personal computer with a web browser ("…The web server 21 communicates with the work station 11 using HTML...from web servers to web browsers..." Col. 2 Ln. 58 – 67, Col. 3 Ln. 1 – 23).

It would have been to one of ordinary skill in the art at the time the invention was made to modify the system of Szlam with the teaching of Echols because the teaching

of Echols would improve the system of Szlam by providing a computer program that delivers (servers) content, such as web pages, using the Hypertext Transfer Protocol (HTTP/stateless protocol), to clients (Echols Col. 3 Ln. 9 – 11).

As to claim 60, Szlam teaches the system of claim 55 wherein the call server system further comprises: the wrapper ("…Controller 225… TAPI…TSAPI…" Col. 9 Ln. 46 – 60, "…translate…" Col. 12 Ln. 45 – 47).

As to claim 61, Szlam teaches the system of claim 55 wherein the call server system further comprises: a computer telephony interface for communicating with the call server ("…TAPI…TSAPI…" Col. 9 Ln. 55 – 60).

As to claim 62, Szlam teaches the system of claim 55 wherein the call server system further comprises: a computer telephony interface server comprising a computer telephony interface ("…TAPI…TSAPI…" Col. 9 Ln. 55 – 60).

As to claim 63, Szlam teaches the system of claim 62 wherein the computer telephony interface server comprises: the wrapper ("…TAPI…TSAPI…" Col. 9 Ln. 55 – 60).

As to claim 64, Szlam teaches the method of claim 35 wherein the call control command comprises a combination of call control command primitives ("…telephony

functions, such as conferencing, placing on hold, transferring, calling, answering…" Col. 9 Ln. 41 – 47).

Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,359,892 B1 issued to Szlam in view of U.S. Pat. No. 6,430,175 B1 issued to Echols as applied to 56 above, and further in view of U.S. No. 6,611,498 B1 issued to Baker et al.

As to claim 58, Echols and Szlam are silent with reference to the system of claim 56 wherein the web server comprises: the wrapper.

Baker teaches the system of claim 56 wherein the web server comprises: the wrapper ("…web Server 632 includes a proxy server 670…translated client requests…" Col. 17 Ln. 46 – 57, Col. 18 Ln. 38 – 40, figure 10 Proxy 670).

It would have been to one of ordinary skill in the art at the time the invention was made to modify the system of Echols and Szlam with the teaching of Baker because the teaching of Baker would improve the system of Echols and Szlam by providing a process for processing messages or requests from clients simultaneously in a multithreaded fashion such as to increase utilization of a single core by leveraging thread-level as well as instruction-level parallelism (Bakers Col. 18 Ln. 26 – 28).

(10) Response to Argument

Appellants argue in substance that (1) it is not clear which component of Szlam teaches the claimed “wrapper”, (2) Echols does not teach a web application that provides web application commands that are translated into caller system format and (3) there is no motivation to combine Szlam and Echols because the teaching of Echols is not related to call control commands or translation of call control commands sent from a web application and accessed by a web server.

The Examiner respectfully traverses Appellants’ arguments:

As to point (1), the preamble of claim 35 recites that “A method performed by a wrapper for enabling a web application to communicate with a call server system,” and the body of the claim recites “providing a communication channel” and translating steps. While Szlam is silent with reference to “providing a communication channel” it does teach the translating step.

As disclosed, the “wrapper” receives commands from a web application, then translates (i.e. the translating step) it into a format compatible with a call server system and forwards the translated commands to the call server system (See specification page 11 lines 1 – 15). Thus, the “wrapper” is functionally equivalent to the controller of Szlam (Controller 225 Col. 9 Lines 23 – 61).

Szlam discloses a method and an apparatus that allows a user to remotely access devices or equipment, services and applications at a user's office, regardless of where the user is currently located, and regardless of what devices are present at the current location of the user. To access the devices the user employs the services of a computing device, such as a portable communications device, personal computer, a

network computer, a JAVA station, a palm-size (handheld) computer, frequently referred to as a Personal Digital Assistant (PDA), etc. The computer device includes a Browser (col. 7 Lines 60 - 67) or “web browsing” application (col. 16 lines 5 - 14). Requests (control call commands like call forwarding, call conferencing and phone calls) from the computer device/Browser/”web browsing” application is translated by a controller to a format understandable or executable by a PBX server (Controller 225 Col. 9 Lines 23 – 61).

The Browser or “web browsing” application of Szlam is functionally equivalent to claimed web application and transmits the requests to the controller. On receiving the requests the controller (claimed wrapper) translates it to a format understandable by the PBS server and forwards it to the PBX server (claimed call server system).

As to point (2), Echols is not applied here to address the “translating step”, rather it is used in this rejection to show a **communication channel** provided between a web application and call server.

Echols teaches a “web browser” (claimed web application) that is connected to a switch including a web server via voice and data channels (Col. 2 Lines 48 - 66). The “web browser” which is functional equivalent to the claimed web application is connected to web sever (claimed call server) via the voice and data channels (claimed communication channel).

As to point (3), the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, Echols is analogous with Szlam because both disclosures are related to processing calls from a remote telephony device at a central call server. And the motivation for combining Szlam and Echols is to provide stateless protocol (HTTP) that allows each command to be executed independently, without any knowledge of the commands that came before it.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Charles E Anya/

Examiner, Art Unit 2194

Conferees:

/H. S. SOUGH/
Supervisory Patent Examiner, Art Unit 2194
03/13/11

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